REMARKS

This application has been reviewed in light of the Office Action mailed on July 8, 2003. Claims 1-36 are pending in the application with Claims 1, 6, 14, 16 and 31 being in independent form. By the present amendment, Claims 1-5, 16-21, 28-30 and 35 have been canceled, Claims 6-15, 22-27 and 31-34 have been amended and Claim 36 has been added. Following the amendments, Claims 6 and 14 are the only independent claims. No new matter or issues are believed to be introduced by the amendments.

I. Rejection of Claims 1-21 and 33-35 Under 35 U.S.C. §103(a)

Claims 1-21 and 33-35 were rejected under 35 U.S.C. §103(a) over U.S. Pat. No. 6,064,629 issued to Stringer et al. ("Stringer et al."). Claims 1-5, 16-21 and 35 have been canceled and independent Claims 6 and 14 have been amended in a manner which is believed to overcome the rejection.

Claim 6 recites:

> An optical code decoding system comprising:
>
> an imaging apparatus for obtaining and displaying video image signals comprising:
>
> a handheld optical code reader including a two dimensional image sensor having means for outputing image data and video data at at least three frames per second, said handheld optical code reader further including means for compressing said video data output from the image sensor;
>
> a host terminal with a communication port and display;
>
> a narrow band width data link over which compressed video data from the handheld optical code reader are communicated to a communication port of the host terminal; and
>
> at least one processor for decoding an optical code captured by

at least the video data.

Stringer et al. discloses the use of ultrasound technology for determining the dimensions of a package. Ultrasound techniques used for determining length, width, and height of an object rely on measuring the duration between transmission of an ultrasound signal and receipt of the corresponding reflected signal. This duration coupled with the known speed at which the ultrasound signal travels and position of the transmitters relative to the conveyor or base is used to determine proximity of a surface of the object to the transmitter and thus the associated dimension. Stringer et al. does not disclose or suggest the obtainment and display of video image signals, let alone, at least the compression and communication of video data to a host terminal, as recited by Applicants' Claim 6.

More particularly, Stringer et al. does not disclose or suggest an optical code decoding system comprising an imaging apparatus for obtaining and displaying video image signals, as recited by Applicants' Claim 6. Further, Stringer et al. does not disclose or suggest a handheld optical code reader including a two dimensional image sensor having means for outputing image data and video data at at least three frames per second, as recited by Applicants' Claim 6. Further still, Stringer et al. does not disclose or suggest the handheld optical code reader further including means for compressing said video data output from the image sensor and a narrow band width data link over which compressed video data from the handheld optical code reader are communicated to a communication port of the host terminal, as recited by Applicants' Claim 6. Finally, Stringer et al. does not disclose or suggest at least one processor for decoding an optical code captured by at least the video data, as recited by Applicants' Claim 6.

Claim 14 includes similar language as that found in claim 6. Accordingly, arguments presented for Claim 6 above apply to Claim 14 as well. For example, Stringer et al. does not disclose or suggest the step of providing an optical code reader configured for acquiring image data and video data at at least three frames per second, as recited by Applicants' method Claim 14.

Therefore, it is believed that Claims 6 and 14 are patentably distinct over the prior art reference and accordingly, withdrawal of the rejection with respect to Claims 6 and 14 under 35 U.S.C. §103(a) over Stringer et al. and allowance thereof are respectfully requested.

Claims 7-13, 15, 33 and 34 depend from independent Claims 6 and 14 and thus are limited by the language recited by these independent claims. Accordingly, for at least the reasons given above for Claims 6 and14, withdrawal of the rejection with respect to Claims 7-13, 15, 17, 19-21 and 33-34 under 35 U.S.C. §103(a) over Stringer et al. and allowance thereof are respectfully requested.

II. Rejection of Claims 22-27 Under Obviousness-type Double Patenting

Claims 22-27 were rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-6 of U.S. Pat. No. 6,336,587 B1 issued to He et al. ("He et al."). Claims 22-27 have been amended to depend from Claim 6. Accordingly, withdrawal of the judicially created doctrine of obviousness-type double patenting rejection is respectfully requested.

III. Rejection of Claims 28-30 Under 35 U.S.C. §101

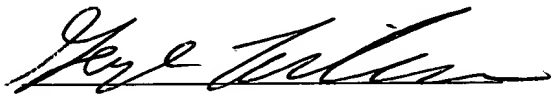
Claims 28-30 were rejected under 35 U.S.C. §101 over Claims 7-9 of He et al. Claims 28-30 have been canceled. Accordingly, withdrawal of the rejection is respectfully requested.

IV. Conclusions

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 6-15, 22-34 and 36, are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicants' undersigned attorney at the number indicated below.

Respectfully submitted,



George Likourezos
Reg. No. 40,067
Attorney for Applicants

Mailing Address:
Carter, DeLuca, Farrell & Schmidt, LLP
445 Broad Hollow Road, Suite 225
Melville, New York 11747
631-501-5706
FAX: 631-501-3526